

JOHN F. COOK
MAYOR



JOYCE WILSON
CITY MANAGER

CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
SUSANNAH M. BYRD, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL ROBINSON, DISTRICT 4
RACHEL QUINTANA, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
STEVE ORTEGA, DISTRICT 7
BETO O'ROURKE, DISTRICT 8

**REGULAR COUNCIL MEETING MINUTES
COUNCIL CHAMBERS
FEBRUARY 22, 2011
8:30 A.M.**

The City Council met in regular session at the above place and date. Meeting was called to order at 8:33 a.m. Mayor John F. Cook present and presiding and the following Council Members answered roll call: Ann Morgan Lilly, Emma Acosta, Carl Robinson, and Steve Ortega. Late arrivals: Susie Byrd, Rachel Quintana, Beto O'Rourke at 8:35 a.m. during Executive Session deliberations and Eddie Holguin, Jr. at 8:53 a.m. during Executive Session deliberations. The invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **NATIONAL ENGINEERS WEEK**
2. **NATIONAL GIRLS AND WOMEN IN SPORTS DAY**

RECOGNITIONS

1. **ICMA LATINOAMÉRICA DELEGATION FROM COSTA RICA - MUNICIPALIDAD DE CARTAGO: AND JASEC**
2. **CITY STAFF RECENTLY ACCREDITED UNDER THE CONGRESS FOR NEW URBANISM (CNU)**

CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

Requests to speak must be received by 9:00 a.m. on the date of the meeting.

30 Minutes total is allotted for speakers.

Three to five minutes may be allowed for each speaker.

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Timothy West

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **SUSPEND THE RULES OF ORDER** to allow Mr. West an additional two minutes to address the Council.

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 8:33 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items on the Agenda:

NOT PRESENT FOR THE VOTE: Representatives Byrd, Quintana, Holguin, and O'Rourke

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to adjourn the Executive Session at 9:31 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Holguin

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EX1. Claim of Carole Feuerman; Our File No. 11-C-026. (551.071)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Robinson, and carried that the City Attorney's Office be authorized settlement authority to execute and sign all documents to resolve the claim of Carole Feuerman; Our File No. 11-C-026.

- AYES: Representatives Lilly, Acosta, Robinson, Quintana, Ortega, and O'Rourke
- NAYS: None
- ABSTAIN: Representatives Byrd and Holguin

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EX2. Portions of Lot 1, Block 1, Hawkins Plaza, El Paso, Texas. (551.071 and 551.072)

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried that the item be **POSTPONED** for one week.

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EX3. Discussion on legal issues relating to the Texas Legislative Budget Board's request regarding the transfer of the Wyler Tramway from the State of Texas to the City of El Paso. (551.071 and 551.072)

Mayor Cook commented.

The following members of the public commented:

- 1. Mr. Richard Schecter
- 2. Ms. Lisa Turner

NO ACTION was taken on this item

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CONSENT AGENDA

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Byrd, and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted. (Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

AYES: Representatives Lilly, Acosta, Robinson, Quintana, Holguin, Ortega and O'Rourke

NAYS: None

NOT PRESENT FOR THE VOTE: Representative Byrd

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1. APPROVAL OF MINUTES

*Motion made, seconded, and unanimously carried to **APPROVE** the Minutes for the Regular City Council Meeting of the Minutes for the Regular City Council Meeting of February 15, 2011 and the Special City Council Meeting of February 15, 2011.

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2. REQUEST TO EXCUSE CITY COUNCIL MEMBERS

NO ACTION was taken on this item.

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3A.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, Kern Place Merchants Association (hereinafter referred to as "Grantees") are sponsoring the Cincinnati Mardi Gras (hereinafter referred to as "Event"), from Tuesday, March 8, 2011 to Wednesday, March 9, 2011; and

WHEREAS, Hemingway's KPT (hereinafter referred to as "Licensee") has been approved by the Grantee to provide for the sale and service of alcoholic beverages during the Event; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege Permit for the use and closure of City rights-of-way for more than twenty-four (24) hours for portions of City rights-of-way on Baltimore Avenue, Cincinnati Avenue, and the adjacent alley between Mesa Street and Stanton Street, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, both the Grantee and Licensee desire to provide for the sale and serving of alcoholic beverages on a portion of the City right-of-way during the Event;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Grantee and Licensee be authorized to provide for the sale and service of alcoholic beverages at the Cincinnati Street Mardi Gras in the closed portions of City rights-of-way on Baltimore Avenue, Cincinnati Avenue and the adjacent alley between Mesa Street and Stanton Street from 12:00 pm Tuesday, March 8, 2011 to 2:00 am Wednesday, March 9, 2011.

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3B.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

WHEREAS, O.P.E.P. (hereinafter referred to as "Grantees") are sponsoring an outdoor block party (hereinafter referred to as "Event"), from Tuesday, March 8, 2011 to Wednesday, March 9, 2011; and

WHEREAS, the Grantees have received administrative approval for a Special Privilege License for the use and closure of City rights-of-way for less than twenty-four (24) hours on Ochoa Street between First Avenue and Paisano Drive from 4:00 p.m. Tuesday, March 8, 2011, to 4:00 a.m. Wednesday, March 9, 2011, in conjunction with the proposed Event; and

WHEREAS, the City is not a sponsor of the Event and the Grantees assume full responsibility for the planning, coordination, management and production of the Event; and

WHEREAS, the Grantees desire to provide for the sale and serving of alcoholic beverages on portions of the City rights-of-way during the Event;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Grantees be authorized to provide for the sale and serving of alcoholic beverages at the outdoor block party in the closed portion of Ochoa Street between First Avenue and Paisano Drive from 9:00 p.m. Tuesday, March 8, 2011 to 2:00 a.m. Wednesday, March 9, 2011.

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3C.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an overhead and underground electrical easement and transformer pad easement to the El Paso Electric Company for the purpose of relocating electrical service for city facilities (Stanton Toll Building) at Mesa and Eighth Streets, El Paso, Texas. Said property being more particularly described as a portion of lots 11 through 18, block 47, Campbell's Addition to the City of El Paso, El Paso County, Texas.

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3D.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, entitled Abatement, Irma Gonzalez, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

2431 Lebanon Avenue., more particularly described as Lot(s) 1 & 2, Block 93, Highland Park Subdivision, El Paso, El Paso County, Texas, Parcel #H453-999-0930-0100

to be \$116.85, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$140.85. The City Council finds that the work was completed on the 28th day of June, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount \$140.85 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing ten percent interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

3. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, Mary Mireles, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

2616 Porter Avenue, more particularly described as Lot(s) 24 & 25 (6000 Sq Ft), Block E, Grandview Subdivision, El Paso, El Paso County, Texas, Parcel #G686-999-000E-7300

to be \$202.94, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$226.94. The City Council finds that the work was completed on the 7th day of June, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount \$226.94 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing ten percent interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, Nakita Williams, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

14113 Tierra Leona Drive, more particularly described as Lot(s) 29 (5016.00 Sq Ft), Block 146, Tierra del Este #36 Subdivision, El Paso, El Paso County, Texas, Parcel #T287-999-1460-0290

to be \$147.76, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$171.76. The City Council finds that the work was completed on the 22nd day of July, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount \$171.76 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing ten percent interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, RAFAEL P. & ROSA E. GALLARDO, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

11540 Jim Ferriell Drive, more particularly described as Lot(s) 11, Block 245, Subdivision, El Paso, El Paso County, Texas, Parcel #V893-999-2450-2100

to be \$106.95, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$130.95. The City Council finds that the work was completed on the 26th day(s) of July, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount \$130.95 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing ten percent interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, Zaragoza Development Ltd, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1701 Saint Stephen Place, more particularly described as Lot(s) 26 (6029.83 Sq Ft), Block 9, Assisi Estates #2 Subdivision, El Paso, El Paso County, Texas, Parcel #A794-999-0090-2600

to be \$117.86, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$141.86. The City Council finds that the work was completed on the 30th day of August, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount \$141.86 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing ten percent interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, Francisco M. Trueba, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

9201 Santa Rosalia Court, more particularly described as Lot(s) 25 (5784 Sq Ft), Singh Subdivision, El Paso, El Paso County, Texas, Parcel #S445-999-0010-2500

to be \$174.69, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$198.69. The City Council finds that the work was completed on the 20th day of August, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount \$198.69 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing ten percent interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, JUDSON B. & VELIA HARRIS, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the

owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

7812 West Drive, more particularly described as Lot(s) 9 (0.482 Acre), Block 5, North Loop Gardens #1 Subdivision, El Paso, El Paso County, Texas, Parcel #N442-999-0050-2500

to be \$328.16, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$352.16. The City Council finds that the work was completed on the 4th & 9th days of August, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount \$352.16 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing ten percent interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, Portico Homes Inc, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

475 Yarbrough Drive, more particularly described as Tract 14-A (0.210 Acre), Block 16, Ysleta Subdivision, El Paso, El Paso County, Texas, Parcel #Y805-999-0160-1401

to be \$170.58, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$194.58.

The City Council finds that the work was completed on the 3rd day(s) of August, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount \$194.58 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing ten percent interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, Santiago Jr & Anna P. Carpio, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

1923 E. San Antonio Avenue, more particularly described as Lot(s) 27 & 28 (6000 Sq Ft), Block 20, Bassett Subdivision, El Paso, El Paso County, Texas, Parcel #B202-999-0200-7800

to be \$881.16, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$905.16. The City Council finds that the work was completed on the 28th and 30th days of August, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount \$905.16 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing ten percent interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk's office relating to the proceeding against the above described property are made a part of this Resolution by reference.

***RESOLUTION**

WHEREAS, in accordance with Chapter 9.04 of the El Paso City Code, Petra S. Gallego, referred to as owner, regardless of number, of the hereinafter described property, was given notice that said property constituted a public nuisance due to the accumulation of trash, vegetation and weeds or other objectionable, unsightly or unsanitary matter in violation of Chapter 9.04 of the El Paso City Code; and the owner failed to comply with due notices. In accordance with El Paso City Code Chapter 9.04, the Environmental Services Department proceeded to clean and dispose of the trash, vegetation, weeds or other rubbish; and

WHEREAS, the Director of the Environmental Services Department has reported the cost of doing such work in the amount hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. The City Council determines the actual cost of removing the accumulated trash, vegetation and weeds or other rubbish located on said property, being:

3002 E San Antonio Avenue, more particularly described as Lot(s) 31 (3000 Sq Ft), Block O, Moeller Subdivision, El Paso, El Paso County, Texas, Parcel #M627-999-0020-9300

to be \$116.10, performed by the Environmental Services Department of the City of El Paso, and, the cost of recording the Resolution in the office of the El Paso County Clerk, \$24.00, total to wit, making a total of \$140.10. The City Council finds that the work was completed on the 23rd day of August, 2010, and approves the costs described herein.

2. The City Council, in accordance with Chapter 9.04 of the El Paso City Code, declares the above total amount \$140.10 to be a lien on the above described property, said amount being due and payable within ten days from the date of City Council approval, and thereafter bearing ten percent interest per annum.

3. The City Clerk is directed to give notice of the lien by filing a copy of this Resolution for record with the County Clerk.

4. All records of the City Clerk’s office relating to the proceeding against the above described property are made a part of this Resolution by reference.

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3E. ENVIRONMENTAL SERVICES

That the City Manager is hereby authorized to sign, on behalf of the City of El Paso, the First Amendment to Addendum to City of El Paso, Invitation for Bids, Single Stream Curbside Recycling Collection and Processing Services for Environmental Services Department Bid No. 2006-015, between the City of El Paso and Friedman Recycling of El Paso, LP (“Contractor”). Said amendment modifies the revenue sharing language, accepts new consideration and expands the residential curbside recycling program by including additional recyclables.

1ST MOTION

*Motion made, seconded and unanimously carried to **MOVE TO REGULAR.**

2ND MOTION

Motion made by Mayor Pro Tempore Acosta, seconded by Representative Ortega, and unanimously carried to **POSTPONE** one week the Resolution.

Ms. Ellen Smyth, Director of Environmental Services, presented a PowerPoint presentation (copy on file in City Clerk’s office).

Representatives Robinson, Holguin, Byrd, Acosta, and Lilly commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Josette Flores, Assistant City Attorney, gave legal advice

The following members of the public commented:

- 1. Mr. Morris Friedman, Friedman Recycling Company of El Paso, LP
- 2. Mr. Richard Schechter
- 3. Ms. Lisa Turner

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3F.

***RESOLUTION**

WHEREAS, the City of El Paso owns approximately 6.525 acres of unimproved property located at 3005 Cheryl Ladd Court, El Paso, Texas, more fully identified in Exhibit "A", attached hereto and made a part hereof for all purposes; and

WHEREAS, a park at 3005 Cheryl Ladd Court would provide additional outdoor recreation opportunities for the citizens of El Paso; and

WHEREAS, the City staff recommends that the entire 6.525 acres of unimproved land identified in Exhibit "A" be dedicated as parkland.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso confirms the dedication of the approximately 6.525 acres of land identified in Exhibit "A" as parkland.

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4A. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Randy Brock to the Historic Landmark Commission by Representative Emma Acosta, District 3.

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4B. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ricardo D. Gonzalez to the Historic Landmark Commission by Representative Rachel Quintana, District 5.

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4C. BOARD RE-APPOINTMENT

*Motion made, seconded, and unanimously carried to **RE-APPOINT** Ricardo Aguilar to the Zoning Board of Adjustment by Representative Rachel Quintana, District 5.

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5. DISCRETIONARY FUNDS

*Motion made, seconded, and carried to **APPROVE** the expenditure of \$6,870 from District 5 discretionary funds for the purchase of dog park equipment.

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6. REQUEST TO ISSUE PURCHASE ORDER

*Motion made, seconded, and unanimously carried to **AUTHORIZE** the Purchasing Manager for Financial Services, Purchasing Division to exercise the City's option to extend current Contract 2008-053 (Physical Examinations and Drug Screenings) with Las Palmas Del Sol Healthcare System for two additional years pursuant to the provisions of an award approved by the City Council on February 5, 2008. The extended contract period will be from March 1, 2011 to February 28, 2013.

Department: Human Resources
Award to: Las Palmas Del Sol Healthcare System
El Paso, TX
Option: One [of One]
Annual Estimated Amount: \$82,900
Total Estimated Amount: \$165,800 (2 years)
Funding Source: General Fund – Health Care Providers Services

This is a Best Value, services contract.

Representative Ortega commented

Mr. Bruce Collins, Purchasing Manager, commented.

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7. BID

*Motion made, seconded, and unanimously carried to **AWARD** Solicitation No. 2011-125 (Design, Furnish & Install New Clean Agent Inert Gas Fire Suppression System) to Assurance Fire Protection, LLC for a total award of \$62,297.

Department: Aviation
Award to: Assurance Fire Protection, LLC
El Paso, TX
Items: All
Option: None
Unit Amount: \$62,297
Total Award: \$62,297
Funding Source: Airport Operating Funds – Bldgs/Facilities
Maintenance Contract

This is a low bid, unit price purchase.

The Financial Services - Purchasing Division and Aviation recommend award as indicated to Assurance Fire Protection, LLC, the sole responsive, responsible bidder.

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8. INTRODUCTIONS

1ST MOTION

Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **RETIRE** into **EXECUTIVE SESSION** at 8:33 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 (Consultation with Attorney).

NOT PRESENT FOR THE VOTE: Representatives Byrd, Quintana, Holguin, and O'Rourke

2ND MOTION

Motion made by Representative Robinson, seconded by Representative Byrd, and unanimously carried to **ADJOURN** the Executive Session at 9:31 a.m. and **RECONVENE** the meeting of the City Council.

NOT PRESENT FOR THE VOTE: Representatives Lilly and Holguin

3RD AND FINAL MOTION

Motion made by Representative Ortega, seconded by Representative Byrd, and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be **ADVERTISED** for public hearing:

An Ordinance granting a Special Privilege License to Northeast 58 TBH/IT LLC for the construction, installation, maintenance and repair of a bridge crossing and access driveway over portions of City right-of-way at Kenworthy Drive and across a portion of the Northgate Outlet Channel for a term of fifty years.

PUBLIC HEARING WILL BE HELD ON MARCH 1, 2011, FOR THE ITEM

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9. ENGINEERING AND CONSTRUCTION MANAGEMENT

Motion made by Representative Byrd, seconded by Mayor Pro Tempore Acosta, and carried to **AWARD** Solicitation No. 2011-055 for the A.B. Fall Mansion to Southwest G.C., EP, Inc. for an estimated total amount of \$1,171,574.85. Southwest G.C., EP, Inc. has provided the highest ranked proposal (88.00).

AYES: Representatives Lilly, Byrd, Acosta, Ortega, and O'Rourke

NAYS: Representative Holguin

NOT PRESENT FOR THE VOTE: Representatives Robinson and Quintana

Department: Engineering and Construction Management
Award to: Southwest G.C., EP, Inc.
Base Bid: \$1,171,574.85
Total Estimated Completion: \$1,171,574.85
Funding Source: 2010 Certificates of Obligation

It is requested that the City Manager of the City of El Paso be authorized to sign any contracts or other documents required to effectuate this award.

As a part of this award, upon the review of the City Attorney, the City Engineer may without further authorization from City Council approve contract changes which are necessary for proper execution of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000.00 per numbered change order without further authorization by City Council.

This is a lump-sum contract. The Engineering & Construction Management Department recommends award to the offeror who submitted the highest ranked proposal.

Mr. Sam Rodriguez, Engineering Division Manager, presented a PowerPoint presentation (on file in the City Clerk's office).

Mayor Cook and Representatives O'Rourke and Robinson commented
The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager

2. Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.

The following members of the public commented:

1. Mr. Richard Schecter
2. Ms. Lisa Turner

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10. MAYOR AND COUNCIL

Legislative Review Committee Report:

1. For notation: Formal report of the Health, Safety and Community Services Legislative Review Committee meeting held on January 20, 2011, as submitted by Eddie Holguin, Chair; and,
2. Discussion pertaining specifically to any of the agenda items, as posted on the agenda of said Legislative Review Committee meeting, as follows:
 - a. Discussion and action on developing an optimal municipal pool use policy that fairly balances the interest of citizens, school districts and competitive club teams.
 - b. Discussion and action regarding amendments to the El Paso Municipal Code to permit construction and operation of electric security fences.
 - c. Discussion and action on establishing term limits for Animal Advisory boards.
 - d. Discussion and action on Confiscated Funds – Legal Use of Funds.
 - e. Discussion on a presentation of staff’s review on calls for service.

Mr. David Almonte, Deputy City Manager of Health and Public Safety, commented.

NO ACTION was taken on this item

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11.

RESOLUTION

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the Empowerment Zone Revolving Loan Fund Small Business Loan application and loan funding be approved to Desert Rock Co., in the amount of \$212,294.00 for inventory and operating expenses, as recommended by the Director of Community and Human Development; and
2. That the City Manager be authorized to execute any and all loan related documents by and among the City of El Paso, Desert Rock Co., and loan guarantor(s), required to meet loan program requirements, loan disbursement, and loan securitization upon approval by the City Attorney's Office.

Mr. William Lilly, Director of Community and Human Development, commented.

Motion made by Representative Holguin, seconded by Representative Lilly, and unanimously carried to **APPROVE** the Resolution.

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ITEMS 12A AND 12B WERE TAKEN TOGETHER

12A.

R E S O L U T I O N

A RESOLUTION PROVIDING FOR THE 2011 GENERAL ELECTION IN THE CITY OF EL PASO, CALLING FOR AN ELECTION OF FOUR DISTRICT REPRESENTATIVES TO BE HELD WITHIN THE CITY ON MAY 14, 2011; AND MAKING PROVISIONS FOR THE CONDUCT OF THE ELECTION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That pursuant to the Texas Election Code, as amended, an election will be held on Saturday, May 14, 2011 in the City of El Paso for the purpose of electing the following named officers of the City of El Paso: four District Representatives who are to be elected from Single-Member Districts Nos. 1, 5, 6 and 8.

2. That at such election, any candidate for the office of Representative shall file an application for a specific place on the ballot as a candidate from one of the four single-member representative districts heretofore established by the City Council being up for election, such as "Representative, District No. 1" and "Representative, District No. 5," etc. At the polling places in each Representative District the ballot in such election shall show the office of Representative for such district, the district number and the name of each candidate for office; and each Representative shall be elected by the voters in the district in which the person is a candidate.

3. That such election shall be held at the precincts and the polling places designated in Exhibit "A" or such other locations as may be designated prior to the election by the City Council, attached hereto and made a part hereof for all purposes, and said polling places shall open at 7 a.m. and remain open until 7 p.m. on the day of the election.

4. That Richarda Duffy Momsen, the City Clerk of the City of El Paso, shall be the clerk for early voting, and Javier Chacon, County Elections Administrator, shall be the deputy clerk for early voting for said City election. The County Courthouse, 500 E. San Antonio, is hereby designated as the main early voting polling place for such election. In addition, early voting may also occur at such branch early voting polling places as are designated herein or otherwise designated by the El Paso County Elections Administrator and posted at city hall by the City Clerk. The hours for early voting by personal appearance, including early voting on Saturday, May 7, 2011 and Sunday, May 8, 2011, shall be authorized for such election as follows:

Early voting at all locations listed below shall be held from Monday, May 2, 2011, through Friday, May 6, 2011 at the hours listed below; on Saturday, May 7, 2011 at all locations from 9:00 am – 6:00 pm; on Sunday, May 8, 2011 at all locations from 12:00 pm – 5:00 pm; and from Monday, May 9, 2011 and Tuesday, May 10, 2011 at all locations from 7:00 am – 7:00 pm.

<u>Location:</u>	<u>Address:</u>	<u>Hours for May 2–6, 2011 only*</u>
a. Anthony City Hall	401 Wildcat Dr.	8:30 am – 4:30 pm
b. Bassett Place	6101 Gateway West	9:00 am – 6:00 pm
c. Canutillo Administration	7965 Artcraft Rd.	8:00 am – 4:00 pm
d. Canutillo Elementary	651 Canutillo Ave	8:00 am – 4:00 pm
e. Clint Junior High School	13100 Alameda Ave.	8:00 am – 5:00 pm
f. Courthouse	500 E. San Antonio Ave.	8:00 am – 5:00 pm
g. Dieter Plaza Shopping	1605 George Dieter	9:00 am – 6:00 pm

h. Fiesta Shopping Center	5200 N. Mesa St.	9:00 am – 6:00 pm
i. Oz Glaze Senior Center	13969 Veny Webb	8:00 am – 5:00 pm
j. Pavo Real Recreation Center	9301 Alameda	9:00 am – 6:00 pm
k. Regency of El Paso	221 Bartlett Dr.	9:00 am – 6:00 pm
l. Socorro High School	10150 Alameda Ave.	8:00 am – 5:00 pm
m. Vista Hills Shopping Center	1840 Lee Trevino Dr.	9:00 am – 6:00 pm
n. West Valley Fire Station	510 E. Vinton Rd.	3:00 pm – 6:00 pm
o. Zaraplex Center	1700 Zaragoza Rd.	9:00 am – 6:00 pm

In addition, mobile voting stations shall also be authorized and used for early voting at publicly owned buildings in the City. The City Clerk, in conjunction with the El Paso County Elections Administrator, is authorized to establish such locations, including the respective hours for early voting by personal appearance at these stations. The City Clerk is further authorized to make corrections or revisions to the list of early voting stations as set forth above, including the respective hours for early voting by personal appearance at these stations, and revise and correct all election notices regarding the early voting locations and the mobile voting stations, and the dates and times for such voting.

Applications for voting by mail shall be submitted to the Early Voting Clerk no earlier than March 15, 2011 and no later than the close of business on May 6, 2011, at the following address:

Mr. Javier Chacon
Deputy Early Voting Clerk
500 E. San Antonio, Room 402
El Paso, Texas 79901

5. A special canvassing board shall be appointed by the Mayor or by the Council, as provided by law, to count and canvass all early votes and ballots cast at said election.

6. That electronic voting machines shall be used for voting at the regular polling places in such election, and for the casting of early ballots by persons voting early by personal appearance.

7. That such election shall be held in the manner and form prescribed by the laws of the State of Texas, and at such election all qualified voters in the City are authorized to vote.

8. That a runoff election shall be held, if required, on Saturday, June 11, 2011 or Saturday, June 18, 2011, or other date permitted by the Texas Election Code. Such election, if any, shall be called by the City Council. Early voting dates and sites will be identified if such runoff election shall be held.

9. That the terms of office for all officers elected at the General Election, or any runoff election shall commence on June 28, 2011 or such other date as the City Council may lawfully establish.

10. That by approving and signing this resolution, the Mayor officially certifies and confirms as his action, all matters recited herein which by law come within his jurisdiction.

11. A substantial copy of this resolution shall serve as proper notice of said election.

12. The City Clerk shall give notice of such election by posting a notice of such election in English and Spanish in the Office of the City Clerk as provided by law and by publishing a copy of said notice in both English and Spanish in a newspaper in the City as required by law.

13. The City Clerk shall deliver notice of this election to the county clerk and voter registrar of El Paso County, as required by law, not later than Tuesday, March 15, 2011.

1ST MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 11:26 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

- Section 551.071 CONSULTATION WITH ATTORNEY
- Section 551.072 DELIBERATION REGARDING REAL PROPERTY
- Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
- Section 551.074 PERSONNEL MATTERS
- Section 551.076 DELIBERATION REGARDING SECURITY DEVICES
- Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the Executive Session items on the Agenda:

2ND MOTION

Motion made by Representative Quintana, seconded by Representative Holguin, and unanimously carried to adjourn the Executive Session at 11:27 a.m. and **RECONVENE** the meeting of the City Council, during which time motions were made.

3RD AND FINAL MOTION

Motion made by Representative O'Rourke, seconded by Representative Ortega, and carried to **APPROVE AS REVISED** a Resolution providing for the 2011 General Election in the City of El Paso calling for an election of four District Representatives, to be held within the City on May 14, 2011; and making provisions for the conduct of the election, with mobile voting at government owned buildings only, on the same days as originally designated, and approve the change of Precinct number 99 from Fire Station number 25 to the Eastside Senior Center.

AYES: Lilly, Byrd, Acosta, Quintana, Holguin, Ortega, and O'Rourke
NAYS: Representative Robinson

12B.

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a contract between the City of El Paso and Javier Chacon, County Elections Administrator of El Paso County, at an estimated cost of up to \$72,156.15 to provide election services and equipment for the May 14, 2011 Election; and that the City Manager be authorized to sign amendments to the contract to include revising the estimated election costs due to changes in the calculations based joint election cost sharing or precinct expenses; and that the City Manager be authorized to sign an additional contract with Javier Chacon for the conduct of a runoff election, if necessary.

Motion made by Representative O'Rourke, seconded by Representative Ortega, and carried to **APPROVE AS REVISED** the Resolution.

AYES: Representatives Lilly, Byrd, Acosta, Quintana, Holguin, Ortega, and O'Rourke
NAYS: Representative Robinson

Mayor Cook and Representatives Quintana, Holguin, O'Rourke, Ortega, Byrd, Acosta, and Robinson, commented.

The following City Staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Richarda Duffy Momsen, City Clerk
3. Mr. Charlie McNabb, City Attorney, gave legal advice
4. Ms. Elaine Hengen, Senior City Attorney, gave legal advice

The following members of the public commented:

1. Ms. Lisa Turner
2. Mr. Richard Schecter

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13.

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS SUPPORTING LEGISLATION TO CREATE THE "MONTECILLO MUNICIPAL MANAGEMENT DISTRICT NO. 1."

WHEREAS, EPT Land Communities, L.P. ("the Developer") owns approximately 306.20 acres of undeveloped or underdeveloped land within the limits of the City of El Paso ("the City"), which the Developer intends to redevelop as a master planned mixed-use community known as "Montecillo" ("the Development");

WHEREAS, the City, as a general policy, desires to support Smart Growth development and redevelopment activities within the infill areas of the City and specifically, large-scale redevelopment projects which create complete neighborhoods containing multi-family and single-family detaching housing, active senior living, mixed use commercial, parks, open space, and components of a mass transit system; and

WHEREAS, the City Council of the City of El Paso ("City Council") finds that, if developed in accordance with plans presented to the City, the construction of the Development will significantly enhance the quality of life within the City, increase the City's ad valorem and sales tax base, and be of general benefit to the City; and

WHEREAS, the Developer has proposed the creation of the Montecillo Municipal Management District No. 1 ("the District") which, if created, could provide a mechanism for the Developer to finance public improvements within the Development subject to the City's review and consent; and

WHEREAS, the City Council finds that it is in the public interest to support the introduction and passage of legislation by the Texas Legislature creating the District.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO, TEXAS THAT:

1. The City Council hereby supports the introduction and passage of legislation during the current Texas legislative session creating the "Montecillo Municipal Management District No. 1"; provided that such

legislation does not substantively differ from the legislation attached hereto as Exhibit A, which is incorporated herein by reference and for all purposes.

2. The City and the Developer are currently negotiating a variety of issues regarding the Development and the District, which include without limitation, issues related to the public improvements to be constructed, the method of financing of those improvements, and numerous other issues, which will require time to conclude. Therefore, this resolution in support of the legislation creating the District does not constitute consent to the creation of this conservation and reclamation district as required by Article XVI, Section 59 of the Texas Constitution, and the City specifically reserves the right to consent to the District and to impose consent conditions on such District.

3. The City, by and through the City Attorney, may withdraw its support from the legislation creating the District if during the legislative process provisions in the legislation attached hereto are substantively amended.

Ms. Kathryn Dodson, Director of Planning and Economic Development, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mr. David Bogas, Montecillo Municipal Management Project, presented a PowerPoint presentation (copy on file in City Clerk's office).

Mayor Cook and Representatives Lilly, Byrd, Robinson, Quintana, Holguin, Ortega, and O'Rourke commented.

The following City Staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Ms. Sylvia Firth, Senior Assistant City Attorney/Intergovernmental Affairs, gave legal advice.
- 3. Mr. Marie Taylor, Assistant City Attorney, gave legal advice

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Motion made by Representative Robinson, seconded by Representative Ortega, and unanimously carried to **ADJOURN** this meeting at 12:49 p.m.

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APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk